

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion is respectfully requested.

Claims 1-19 are pending; Claims 2, 3, 6, 7, 13, 17, and 18 have been amended by the present amendment; and Claims 1, 12, 15, 16, and 19 have been canceled without prejudice by the present amendment. The amendments to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, the disclosure was objected to because it was asserted that page 26, lines 22, 25 and 27 refer to the control point managing unit in Figure 7 as representative element 52. It was asserted that this is inconsistent with the label in the drawing. Claims 1, 2, 7, 15, 17, and 18 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,246,878 to Wallentin (hereinafter, referred as "Wallentin"); Claims 4, 5, 9, and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wallentin in view of U.S. Patent Application Publication No. 2003/0076803 to Chuah (hereinafter, referred as "Chuah"); Claims 13 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wallentin in view of U.S. Patent No. 6,373,834 to Lundh (hereinafter, referred as "Lundh"); Claims 8 and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wallentin in view of U.S. Patent Application Publication No. 2002/0049060 to Grub et al. (hereinafter, referred as "Grub"); Claims 3 and 6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wallentin in view of Grub, further in view of Lundh.

The Applicants' representatives conducted an interview with the Examiner on January 3, 2006 and described the proposed amendments to the claims. The Examiner agreed that the proposed amendments to the claims appear to overcome the prior art of record, and that he would consider the amendments and remarks when submitted officially.

Applicants cancel Claims 1, 12, 15, 16, and 19, thus rendering all rejections to Claims 1, 12, 15, 16, and 19 in the Office Action as moot.

Claim 2 is amended by incorporating all the matter in the canceled Claim 1. Claim 2 is further amended to include features directed to the sequence number in the data fragments. These features include: (a) determining a second transmission timing of transmitting the data to the second radio network controller, (b) dividing the data and providing a sequence number to each of the data fragments, based on a sequence number providing status, (c) transmitting at least a data fragment to the second radio network controller, said data fragment is added with information requesting the sequence number providing status, (d) transmitting the sequence number providing status from the second radio network controller to the first radio network controller, wherein the sequence number providing status includes the number of data fragments having been transmitted since the data fragment added with information requesting the sequence number providing status. The addition to Claim 2 is supported by the originally filed specification on at least page 24 and does not add new matter.

Wallentin is directed to a soft handover cellular system, where diversity handling operations are multi-staged for a mobile connection which is controlled by an original or Source RNC and which also utilizes secondary or Target RNC. Non-Source RNCs each have a diversity handling units (DHU) which perform connection splitting and connection combining operations for all involved base stations (BS) owned by the non-Source RNC, so that only one transport connection need exist between the Source RNC and the Target RNC for the mobile connection.

Wallentin does not disclose dividing the data and providing a sequence number to each of the data fragments based on a sequence number providing status. Wallentin further does not teach transmitting at least a data fragment to the second radio network controller,

wherein said data fragment is added with information requesting the sequence number providing status. Also, Wallentin does not teach transmitting the sequence number providing status from the second radio network controller to the first radio network controller, wherein the sequence number providing status includes the number of data fragments having been transmitted since the data fragment added with information requesting the sequence number providing status. Thus, Applicants respectfully submit that Claim 2 is allowable.

Claims 3-6 depend from independent Claim 2. Accordingly, for reasons stated above for the patentability of Claim 2, Applicants respectfully submit that Claims 3-6 should also be made allowable.

Amended independent Claim 7 recites limitations analogous to the limitations recited in Claim 2. Accordingly, for reasons stated above for the patentability of Claim 10, Applicants respectfully submit that Claim 7 (and all dependent claims) should be made allowable.

Claim 13 is directed to a radio network controller for performing a soft handover process for allowing soft handover of a mobile terminal, when the mobile terminal is performing soft handover, in downlink radio data communications in which data is transmitted to the mobile terminal via a base station, the radio network controller includes: (a) a notification receiver configured to receive a notification instructing the radio network controller to perform soft handover process as a first radio network controller, (b) data divider configured to divide the data in response to the notification, (c) a sequence number provider configured to provide a sequence number to each of the data fragments, based on a sequence number providing status, in response to the notification, (d) a data transmitter configured to transmit data fragments to the second radio network controller at a second transmission timing, wherein at least a data fragment is added with information requesting the sequence number providing status, and (e) the data transmitter configured to transmit the data

fragments at the first transmission timing to the base stations managed by the radio network controller among the base stations to which the mobile terminal is connected when performing the soft handover, a response to the notification.

Lundh is directed to a method of synchronization in a cellular telecommunications network between a master timing unit located at control node of the network and a slave timing unit (STU) located either at the control node or a controlled node, e.g., base station, of the network.

Neither Wallentin, nor Lundh teach the features of Claim 13 directed to: (a) a sequence number provider configured to provide a sequence number to each of the data fragments based on a sequence number providing status, (b) a data transmitter configured to transmit data fragments to the second radio network controller at the second transmission timing, wherein at least a data fragment is added with information requesting the sequence number providing status.

Accordingly, Applicants respectfully submit that a *prima facie* case of obviousness under 35 U.S.C. § 103(a) has not been established and thus amended Claim 13 should be allowable.

Claim 14 depends from independent Claim 13. Accordingly, for reasons stated above for the patentability of Claim 13, Applicants respectfully submit that Claim 14 should also be made allowable.

Claim 17 is directed to a radio network controller for performing a soft handover process for allowing soft handover of a mobile terminal, when the mobile terminal is performing the soft handover, an uplink radio data communications in which the mobile terminal transmits data via base station, the radio network controller includes: (a) a notification receiver configured to receive a notification instructing the radio network controller to perform the soft handover process as a first radio network controller, (b) a

selective combiner configured to perform selective combining of data fragments from all base stations to which a mobile terminal is connected when performing the soft handover, in response to the notification, wherein the selective combining is at least according to the sequence number in each of the data segments, (c) a reconstructor configured to reconstruct data from the selectively combined data fragments, in response to the notification.

Claim 17 includes: (a) a selective combiner configured to perform selective combining of data fragments from all base stations to which the mobile terminal is connected when performing soft handover, in response to the notification. The selective combining is at least according to the sequence number in each of the data segments is not disclosed in Wallentin. Thus, Applicants respectfully submit that Claim 17 is allowable.

Claim 18 is directed to a radio network controller for performing a soft handover process for allowing soft handover of a mobile terminal, when the mobile terminal is performing the soft handover, in uplink radio data communications in which the mobile terminal transmits data via a base station, the radio network controller includes: (a) a notification receiver configured to receive a notification instructing the radio network controller to perform the soft handover process, (b) a selective combiner configured to perform selective combining of data fragments from base stations managed by the radio network controller among all base station to which the mobile terminal is connected when performing the soft handover in response to the notification, wherein the selective combining is at least according the sequence number in each of the data segments, (c) a data transmitter configured to transmit the selectively combined data fragments to a first radio network controller in response to the notification.

The feature of Claim 18 recited as a selective combiner configure to perform selective combining of data fragments from base stations managed by the radio network controller among all base stations to which the mobile terminal is connected when performing the soft

handover, in response to the notification. The selective combining is at least according to the sequence number in each of the data segments is not disclosed in Wallentin. Thus,

Applicants respectfully submit that Claim 18 is allowable.

Consequently, in view of the present amendment and in light of the above discussion the outstanding grounds for rejection base believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.


Respectfully submitted,

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